



Phillips Lytle LLP

Via CMECF

Hon. John L. Sinatra, Jr.
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202-3350

December 19, 2023

Re: *Hardaway et al. v. Nigrelli et al.*; Case No. 1:22-cv-00771-JLS; *Christian et al. v. Nigrelli et al.*; Case No. 1:22-cv-00695-JLS Joint Status Report

Dear Judge Sinatra:

This joint status report is submitted on behalf of all parties. On December 8, 2023, the Second Circuit issued its decision in *Antonyuk v. Chiumento*, No. 22-2908, 2023 WL 8518003 (2d Cir. Dec. 8, 2023). That consolidated decision dealt with, among other things, the State's appeal of:

- This Court's Decision and Order in *Hardaway* (Dkt. 52), enjoining enforcement of the CCIA's ban on church carry; and
- This Court's Decision and Order in *Christian* (Dkt. 49), enjoining enforcement of the CCIA's "restricted location" no-carry default for private property open to the public.

The Second Circuit vacated this Court's injunction in *Hardaway* as moot in light of the Legislature's May 3, 2023 amendment of Penal Law § 265.01-e(2)(c). *Antonyuk*, 2023 WL 8518003, at *47-49.

ATTORNEYS AT LAW

NICOLAS J. ROTSKO PARTNER DIRECT 716 847 5467 NROTSKO@PHILLIPSLYTLE.COM

ONE CANALSIDE 125 MAIN STREET BUFFALO, NEW YORK 14203-2887 PHONE (716) 847-8400 FAX (716) 852-6100 | PHILLIPSLYTLE.COM
NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | CHICAGO, IL | WASHINGTON, DC | CANADA: WATERLOO

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The Second Circuit affirmed this Court's injunction in *Christian*, which barred enforcement of Penal L. § 265.01-d (restricted locations) as applied to private property held open to the general public. *Antonyuk*, 2023 WL 8518003, at *2, 79, 81-85.

In light of the Second Circuit's decision, the parties propose to submit to this Court a joint status report in 30 days (**January 18, 2024**) addressing the parties' respective positions as to further proceedings before this Court in *Hardaway* and *Christian*.

The parties collectively wish Your Honor and chambers a happy holiday season.

Respectfully submitted,

Phillips Lytle LLP

By 

Nicolas J. Rotsko

cc: Counsel of record (via CMECF)